

## REMARKS

This Application has been carefully reviewed in light of the Office Action mailed July 23, 2008. At the time of the Office Action, Claims 1, 3-6, 9, 11 and 13-17 were pending in this Application. Claims 2, 7, 8, 10, and 12 were previously cancelled without prejudice or disclaimer. Claims 1, 3-6, 9, 11, and 13-17 were rejected. Applicant respectfully requests reconsideration and favorable action in this case.

### **Rejections under 35 U.S.C. §103**

Claims 1, 5-6, 9, 11 and 15-17 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,545,852 issued to James H. Arnold (“*Arnold*”).

Claims 3 and 13 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Arnold* in view of U.S. Patent No. 6,665,802 issued to Robert E. Ober (“*Ober*”).

Claims 4 and 14 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Arnold* in view of U.S. Patent Application Publication No. 2001/0052728 by Goran Larsson et al. (“*Larsson*”).

Applicant respectfully traverses and submits the cited art combinations, even if proper, which Applicant does not concede, does not render the claimed embodiment of the invention obvious.

In order to establish a *prima facie* case of obviousness, the references cited by the Examiner must disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). Even if each limitation is disclosed in a combination of references, however, a claim composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art. *KSR Int'l. Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1741 (2007). Rather, the Examiner must identify an apparent reason to combine the known elements in the fashion claimed. *Id.* “Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *Id.*, citing *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006). Finally, the reason must be free of the distortion caused by hindsight bias and may not rely on ex post reasoning. *KSR*, 127 S.Ct. at 1742. In addition, evidence that such a combination

was uniquely challenging or difficult tends to show that a claim was not obvious. *Leapfrog Enterprises, Inc. v. Fisher-Price, Inc. and Mattel, Inc.*, 485 F.3d 1157, 1162 (Fed. Cir. 2007), citing *KSR*, 127 S.Ct. at 1741.

Present independent claim 1 includes the limitation “*while the microcontroller is in a sleep mode detecting a disturbance of said control signal by detecting a change in the amplified control signal through a diagnose reading port of said microcontroller.*” The Examiner stated that *Arnold* discloses amplifying a control signal in col. 7, line 41. *Arnold* states:

“*A Latch-Up Detector is used that includes a combination of gated differential amplifiers, shunted peak detectors, inverters and differentials to produce a bi-polar latch-up detector.*”

*Arnold*, col. 7, line 41-44. However, this paragraph merely states what the Latch-Up Detector contains. It does not explain the function of the latch-up detector. In particular it does not explain whether the Latch-Up Detector is provided to amplify the control signal generated by the microcontroller. As well known in the art of microcontrollers, such devices generally only generate digital signals that represent a logic 0 or a logic 1, wherein the logic 0 is represented by ground and the logic 1 signal by, for example, 5V. However, even though Fig. 2 shows that the control signal provided by the microcontroller through bus 120 enters the Bi-Polar pulse driver, it is nowhere stated that this signal is also provided to the Latch-Up Detector. Hence, the Examiner erred in concluding that the Latch-Up Detector amplifies the control signal.

Moreover, the system according to *Arnold* does not detect a change in the amplified control signal through an interrupt input of the microcontroller. The Examiner stated that *Arnold* discloses this limitation in col. 20, line 26. In the cited line, *Arnold* states that after all diagnostic checks, the microcontroller goes into a sleep mode. The Examiner further stated that *Arnold* discloses that while the microcontroller is in a sleep mode that a disturbance of the control signal is detected through an interrupt input in col. 17, line 66. Applicant respectfully disagrees.

*Arnold* states:

*The ground return path for the Manual Over-Ride system is provided by conductor 136. Buss 108 provides operating voltage information from the Bi-Polar Pulse Driver to the Power Monitor within the Power Supply, and a signal to create a microcontroller interrupt in the microcontroller within the ECU.*

*Arnold*, col. 17, 63-67. This paragraph neither states nor suggests that the microprocessor operates in a sleep mode. Moreover, the power monitor is not coupled with the Latch-Up Detector which according to the Examiner allegedly provides for the amplified control signal. In fact, the cited paragraph clearly states that the bus 108 which connects the Bi-Polar pulse driver with the power monitor merely carries the operating voltage information which is completely independent from the control signals of bus 120.

Hence, *Arnold* nowhere discloses to amplify the control signal and monitor the amplified control signal to generate an interrupt signal while the microprocessor is in a sleep mode. The same arguments presented with respect to claims also apply to independent claims 6 and 11. Thus, Applicant believes that all independent claims are allowable in view to the cited prior art. Applicants respectfully submit that the dependent Claims are allowable at least to the extent of the independent Claim to which they refer, respectively. Thus, Applicants respectfully request reconsideration and allowance of the dependent Claims. Applicants reserve the right to make further arguments regarding the Examiner's rejections under 35 U.S.C. §103(a), if necessary, and do not concede that the Examiner's proposed combinations are proper.

## CONCLUSION

Applicant has now made an earnest effort to place this case in condition for allowance in light of the remarks set forth above. Applicant respectfully requests reconsideration of all pending Claims as amended.

Applicant believes there are no fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicant's attorney at 512.322.2545.

Respectfully submitted,  
BAKER BOTT S L.L.P.  
Attorney for Applicant



Andreas Grubert  
Reg. No. 59,143

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SEND CORRESPONDENCE TO:

Baker Botts L.L.P.  
CUSTOMER ACCOUNT NO. **31625**  
512.322.2545  
512.322.8383 (fax)